

REMARKS

In response to the Office Action mailed April 11, 2005, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks. The claims as now presented are believed to be in allowable condition.

Claims 1-20 are pending in this Application. Claims 1, 3, 8, 9, 14, 15, 17, 18 and 20 are independent claims.

Preliminary Matters

The Examiner stated that the effective filing date for the subject matter defined in the pending claims in this application is 2/12/2005. Applicants disagree with this statement. The present application was filed on 2/12/2002, which is the effective filing date, not 2/12/2005 as suggested by the Examiner

Rejections under §112

Claims 3, 8, 9, 14, 15, 17, 18 and 20 were rejected under 35 U.S.C. §112 second paragraph as being indefinite. In particular, the Examiner cited instances of insufficient antecedent basis in these claims. Claims 3, 8, 9, 14, 15, 17, 18 and 20 have been amended to provide proper antecedent basis. Accordingly, the rejection of claims 3, 8, 9, 14, 15, 17, 18 and 20 under 35 U.S.C. §112, second paragraph, is believed to have been overcome.

Rejections under §102

The Examiner rejected claims 1, 3, 8, 9, 14, 15, 17, 18 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,1543,777 to Ebrahim (hereinafter Ebrahim).

Ebrahim discloses a system for context dependent name resolution. As discussed in the description of Figure 4 of Ebrahim, at column 4, lines 7-54, Ebrahim utilizes a name resolver (arguably a domain name service server) and a server (arguably a data communications device). However, the server does

not provide a “second domain name service request” since the server includes the name resolver 180 as part of the server. Ebrahim therefore does not form a second domain name service request since there is no separate domain name server to forward a second domain name service request to.

Claim 1 further states that the second domain name service request selectively includes a client identifier which identifies the client or does not include the client identifier based on a selection decision. In the event the name resolver 180 is not used and instead name resolver 200 is used, Ebrahim is silent regarding whether the orginal request is passed through the server (and therefore is not a second domain name service request) or whether a new request is produced which would conventionally include the source address of the server 150, not the identification of the client. This feature is not taught or suggested by the cited prior art. If the rejection is to be maintained, Applicants respectfully request that it be pointed out with particularity where the cited prior art teaches that the second domain name service request selectively includes a client identifier which identifies the client or does not include the client identifier based on a selection decision when the alternative name resolver is used. Accordingly, claim 1 is believed allowable over Ebrahim. Claims 3, 8, 9, 14, 15, 17, 18 and 20 include similar language as claim 1 regarding the second domain name service request, and therefore are believed allowable for the same reasons claim 1 is believed allowable. Accordingly, the rejection of claims 1, 3, 8, 9, 14, 15, 17, 18 and 20 under 35 U.S.C. §102(b) in view of Ebrahim is believed to have been overcome.

#### Rejections under §103

The Examiner rejected claims 2, 4-7, 10-13, 16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Ebrahim and IBM Research Report On the Effectiveness of DNS-based Server Selection (hereinafter Shaikh). Because claims 2, 4-7, 10-13, 16 and 19 depend from and further limit claims 1, 3, 9, 15 and 18, claims 2, 4-7, 10-13, 16 and 19 are in allowable condition for at least the

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same reasons. Accordingly, the rejection of claims 2, 4-7, 10-13, 16 and 19 under 35 U.S.C. §103(a) as being unpatentable over Ebrahim and Shaikh is believed to have been overcome.

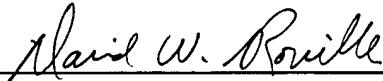
Conclusion

In view of the foregoing remarks, this Examiners rejections are believed to have been overcome. This application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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